IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

WP(C).No. 19298 of 2004(V)

PETITIONER:

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1. M/S.ANUPAM, ANUPAM COMPLEX, MITCHEL JUNCTION, MAVELIKKARA 690 101, REPRESENTED BY ITS MANAGING PARTNER MR.P.PICHIAH.

2. MR.P.PICHIAH, AGED 52 YEARS, S/O. PADMANABHA REDDIAR, MANAGING PARTNER, M/S. ANUPAM COMPLEX, MITCHEL JUNCTION, MAVELIKARA 690101, R/ST ALINTEKIZHAKKATHIL AMBIKA MADOM, KANDIYOOR, THATTARAMBALAM P.O., MAVELIKKARA, ALAPPUZHA DISTRICT.

3. M/S.ANUPAM EXPORTS (INDIA), ANUPAM COMPLEX, MITCHEL JUNCTION, MAVELIKKARA 690 101, REPRESENTED BY ITS MANAGING PARTNER MR.P.PICHLAH, AGED 52 YEARS, S/O. PADMANABHA REDDIAR, RESIDING AT ALINTEKIZHAKKATHIL AMBIKA MADOM, KANDIYOOR, THATTARAMBALAM P.O., MAVELIKKARA, ALAPPUZHA DIST.

BY ADV. SRI.V.P.K.PANICKER
SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SMT.SREELEKHA PUTHALATH
SRI.A.R.DILEEP
SRI.ABRAHAM GEORGE JACOB
SRI.S.GOWTHAM

RESPONDENTS:

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1. UNION BANK OF INDIA, REPRESENTED BY ITS SENIOR MANAGER, MAVELIKKARA BRANCH, P.B.NO.101, ANUPAM COMPEX,MITCHEL JUNCTION, MAVELIKKARA 690101 ALAPPUZHA DISTRICT, KERALA STATE.

2. AUTHORISED OFFICER, UNION BANK OF INDIA, REGIONAL OFFICE, UNION BANK BHAVAN, P.B.NO.307, M.G.ROAD, STATUE, THIRUVANANTHAPURAM 695 001.

3. UNION OF INDIA REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY OF FINANCE, DEPARTMENT OF ECONOMIC AFFAIRS (BANKING DIVISION), CENTRAL SECRETARIAT, NEW DELHI.

4. DEBT RECOVERY TRIBUNAL (KERALA & LAKSHADWEEP) REPRESENTED BY ITS REGISTRAR ERNAKULAM.

BY ADV. SRI.JAYAPRADEEP. V., ADDL.CGSC
ARI.A.V.THOMAS,SC FOR UBI
SRI.A.V.THOMAS
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS
SRI.V.M.KURIAN
SRI.JOHN VARGHESE, SCGSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 19298/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF NOTICE NO. ROT:CRLD:959 DATED 09/02/2004 ISSUED by the 2ND RESPONDENT TO THE 2ND PETITIONER.

EXT.P2 COPY OF THE COMMUNICATION NO.ROT:CRLD:216 DATED 05/05/2004 ISSUED BY THE 2ND RESPONDENT.

EXT.P3 COPY OF THE JUDGMENT DATED 25/05/2004 IN W.P.(C)No. 5627/2004 OF THE HONORABLE HIGH COURT OF KERALA.

EXT.P4 COPY OF THE MEMORANDUM OF APPEAL IN APPEAL NO.9/04, FILED by the PETITIONER BEFORE THE DEBT RECOVERY TRIBUNAL EXCLUDING THE EXHIBITS PRODUCED THEREWITH, SUBMITTED BY THE PETITIONER BEFORE THE DEBT RECOVERY TRIBUNAL.

EXT.P5 COPY OF THE SECURITIZATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST (REMOVAL OF DIFFICULTIES) ORDER 2004.

EXT.P6 COPY OF ORDER DATED 08/06/2004 OF THE 4TH RESPONDENT ON APPEAL NO. 9 OF 2004.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) NO. 19298 OF 2004

Dated, this the 22nd day of February, 2007

J U D G M E N T

Since the issue raised is covered by the decision of the Supreme Court in **Mardia Chemicals Ltd. & others Vs. Union of India & Others** (2004 (4) SCC 311), this writ petition is dismissed following said judgment.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg